

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**PROCEDURE FOR APPROVAL OF DISCLOSURE STATEMENT  
AND CONFIRMATION OF CHAPTER 11 PLAN  
FOR CASES ASSIGNED TO JUDGE ALAN M. AHART**

**THE REQUIREMENTS CONTAINED IN THIS NOTICE SHALL BE EFFECTIVE FOR ALL CASES FILED ON OR AFTER APRIL 1, 1994.**

A. Requests for orders approving disclosure statements pursuant to 11 U.S.C. § 1125 and for orders confirming a plan of reorganization pursuant to 11 U.S.C. § 1129 are motions within the meaning of Federal Rules of Bankruptcy Procedure 9013 and 9014. All motions must be supported by evidence admissible under the Federal Rules of Evidence.

**B. Attached as Exhibit A is a document entitled "Disclosure Statement and Plan of Reorganization" (disclosure statement). Unless the Court orders otherwise upon request, the proponent of any plan shall use this document as its combined disclosure statement and plan.**

Please note: The combined "Disclosure Statement and Plan of Reorganization" utilized by Judge Alan M. Ahart is different from the separate plan and disclosure statement adopted by the Central District of California pursuant to General Order 96-04. However, while the procedures outlined herein differ somewhat from the procedures followed by the Honorable Vincent P. Zurzolo, the combined "Disclosure Statement and Plan of Reorganization" is the same.

C. Any party wishing to propose a plan of reorganization who would like to have a copy of Exhibit A on a diskette must bring a formatted, newly packaged floppy disk (3.5") in exchange for a similar diskette on the following dates and times (excluding holidays):

Monday, 9-12 or 2-4, to: Thais May, Courtroom Clerk, 9th Floor  
Tuesday, 9-12 only, to: Chambers, Suite 1382  
Thursday, 9-12 only, to: Thais May, Courtroom Clerk, 9th Floor  
Friday, 9-12 or 2-4, to: Chambers, Suite 1382.

D. Hearings on approval of disclosure statements shall be set on at least 36 days notice unless the Court prescribes a shorter period. The plan proponent must serve with the disclosure statement a notice of the disclosure statement hearing date and of the requirement that objections to disclosure statements must be filed and served on the proponent at least 11 court days before hearing.

**The party requesting the diskette must indicate whether the case was commenced after October 21, 1994.**

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E. An amended disclosure statement shall not be filed before the initial hearing on the adequacy of the disclosure statement. **The court strongly encourages all plan proponents to submit a copy of the disclosure statement to secured creditors and any committee prior to filing the disclosure statement with the Court, to permit changes pursuant to comments made by creditors.**

If a hearing on approval of the disclosure statement is continued to permit revision of the disclosure statement, the plan proponent shall make all necessary changes and prepare in anticipation of the next hearing "red-lined" copies of the amended disclosure statement. A "red-lined" copy and a "clean" copy should be filed with the Court and served on all other parties who appeared at the previous hearing.

F. After granting a disclosure statement motion, the Court shall:

- (1) Set a deadline for filing of claims and for objecting to claims if not already set; and
- (2) Set a deadline for creditors and equity security holders to transmit ballots.

The disclosure statement contains the hearing date for the Motion to Confirm the Plan.

G. A Confirmation Motion shall be prepared, filed and served in accordance with Local Bankruptcy Rule 9013-1 and therefore must meet at least the following criteria:

- (1) The Confirmation Motion must be supported by evidence establishing that the plan is confirmable under 11 U.S.C. § 1129.
- (2) The Confirmation Motion must be served at least 24 days before the confirmation hearing on the United States Trustee, any official committee, and all impaired creditors and equity security holders who rejected the plan.
- (3) If the disclosure statement does not specify the date for the confirmation hearing, the plan proponent must serve with the Confirmation Motion a notice of the confirmation hearing date and of the requirement that any party opposing the Confirmation Motion must file and serve at least 14 days before the confirmation hearing date its written opposition supported by evidence.

**NOTE: Because the Confirmation Motion must be served at least 24 days before the confirmation hearing, proponent should select the confirmation hearing date so that sufficient time is given for ballots to be returned and for the preparation of the Motion.**

H. Unless otherwise ordered, every order confirming a chapter 11 plan must contain the language required by Local Bankruptcy Rule 3020-1(2). The proposed order shall be accompanied by proof of payment of any special charges due the Clerk's Office as described in Local Bankruptcy Rule 3020-1(2).

ALAN M. AHART  
United States Bankruptcy Judge

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